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APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
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08/926,872 09/10/97 SULLIVAN

M SLD2121

QM21/0414

ART UNIT
MARCO, G

DIANE F. COVELLO, ESQ.
DIVISION PATENT AND TRADEMARK COUNSEL
SPALDING SPORTS WORLDWIDE
425 MEADOW ST P.O. BOX 901
CHICOPEE MA 01021-0901

3711
DATE MAILED:

04/14/99

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

OFFICE ACTION SUMMARY

Responsive to communication(s) filed on 2-8-99

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire -3- month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-8 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration.
 Claim(s) _____ is/are allowed.
 Claim(s) 1-8 is/are rejected.
 Claim(s) _____ is/are objected to.
 Claim(s) _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
 The drawing(s) filed on _____ is/are objected to by the Examiner.
 The proposed drawing correction, filed on 2-8-99 is approved disapproved.
 The specification is objected to by the Examiner.
 The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 All Some* None of the CERTIFIED copies of the priority documents have been
 received.
 received in Application No. (Series Code/Serial Number) _____
 received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of Reference Cited, PTO-892
 Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
 Interview Summary, PTO-413
 Notice of Draftsperson's Patent Drawing Review, PTO-948
 Notice of Informal Patent Application, PTO-152

-SEE OFFICE ACTION ON THE FOLLOWING PAGES-

Art Unit:

More informative structural details at the point of novelty must be provided in the Abstract.

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the diverse critical features now claimed but not apparent to the eye from the drawings, e.g., the specific Shore C values of claim 3, the 29-37mm range of claim 5, and the "ionomer" layer of claim 2, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Art Unit:

Applicant is required to rewrite the first full paragraph on page 1, due to the multiple amendments therein, to facilitate an understanding of the cross references to the parent cases.

Page 1, line 5, ‘abandoned” must be changed to ---now abandoned, and--. Line 6, “now issued as... No.---” must be changed to ---,now abandoned,---. Line 7, “abandoned” must be changed to ---now abandoned,--- ; and ---now abandoned,--- must be inserted after “1995”. Line 8, ---,now abandoned--- must be inserted after “08/070,510”.

On page 3 of the remarks filed Feb. 8, 1999, the statement that 08/542,793 has been allowed is incorrect, obviously.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In order to facilitate a comparison with the prior art, metric and corresponding U.S. units of measure must both be used in the claims, to avoid any speculation regarding the scope of the claims. In claim 2, “high repulsion” is indefinite, and confusing. Abstract an illustration on the drawings “every” feature claimed, the invention is obscured.

Claims 1-8 are rejected under 35 U.S.C. 102(a) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Shama. As understood, only inherent features of the reference of the reference golf balls are claimed. In column 3, lines 55-60, of the reference, a “balata” cover inherently is softer than the mantle layer enclosed thereby. The ionomer composition of claim 2 is met by the reference “Surlyn” cover, as broadly as claimed. Any

Art Unit:

possible distinctions over the reference golf balls are deemed obvious variants thereof, in order to utilize the broad ranges of diverse parameters disclosed by the reference.

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George J. Marlo whose telephone number is (703) 308-2094. The examiner can normally be reached on Mon-Thurs.. from 7:30 a.m. to 7:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeanette E. Chapman, can be reached on (703) 308-1310. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3579.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Marlo/DMM

March 26, 1999

George J Marlo
GEORGE J. MARLO
PRIMARY EXAMINER
ART UNIT 202
3711